

Tuesday, January 05, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.

Chairperson Arnold: clarifies Item No. 1 will be heard separate from the Consent Agenda and will be heard first.

Board Business:

1. Reorganization of the County Board of Supervisors: Election of Chairperson and Vice-Chairperson. All Districts.

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening; Dr. C. Hite; and Ms. Linde Owen: speak.

The Board elects Supervisor Lynn Compton as Chairperson and Supervisor Adam Hill as Vice Chairperson for 2016.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

OUTGOING CHAIRPERSON DEBBIE ARNOLD TURNS THE GAVEL OVER TO CHAIRPERSON LYNN COMPTON.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold, and Chairperson Lynn Compton

ABSENT: Supervisors: None

Chairperson Compton: presents a plaque of appreciation to Supervisor Arnold for her service as Chairperson during 2015.

Consent Agenda – Review and Approval:

- 2-16. This is the time for consideration of the Consent Agenda.

Chairperson Compton: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 16 on the following vote is indicated for each item.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Items: Set for Hearing:

2. Introduction of an ordinance amending Title 21 of the County Code (the Real Property Division Ordinance) by requiring all parcel maps and tract maps to be referenced to the California State Plane Coordinate System and require parcel maps and tract maps to be based on a field survey; and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Hearing Date set for January 26, 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Bid Opening:

3. Letter transmitting plans and specifications (Clerk’s File) for Widening of Price Canyon Road between Ormonde Road and Highway 227 near Pismo Beach, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, February 4, 2016. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

4. Request to approve a nine (9) month agreement in the total amount of up to \$70,000 with Verdin Marketing Ink to provide marketing services on behalf of the Cayucos Local Area of the San Luis Obispo County Tourism Business Improvement District (CBID). District 2.

The Board approves as recommended by the County Administrative Officer.

5. Request to approve an agreement with Full Glass Productions, Inc. in the amount of \$50,000 for the San Luis Obispo County Tourism Business Improvement District (CBID) and Avila Beach Local Area sponsorship of the International Chardonnay Symposium. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Airports Items:

6. Request to approve change order #2 for the New Passenger Terminal Construction Project at the San Luis Obispo County Regional Airport in an amount not to exceed \$500,000 to address unforeseen soil stabilization issues within the building footprint. All Districts.

Mr. Kevin Bumen – Airport Director: presents a revised recommendation.

This item is amended by replacing the recommendation to read: “1) authorize Change Order #2 for the Passenger New Terminal Construction Project in an amount not to exceed \$500,000 for soil stabilization work; 2) ratify all work performed and all expenses incurred under this change order prior to this approval; and 3) direct the Director of Airports, or his designee, to approve Change Order #2 in accordance with the Airport - SLO - Construct Passenger Terminal Project Construction Change Order Policy adopted by the Board on August 11, 2015.” Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

7. Submittal of a Brown Armstrong Independent Auditor's Report on the County Treasury's cash balance and accountability as of September 30, 2015. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - District Attorney Items:

8. Request to approve the Standard Agreement Amendment between the County of San Luis Obispo and the California Victim Compensation and Government Claims Board (VCGCB) which clarifies certain provisions of the original contract approved by the Board of Supervisors on March 22, 1999 and amended on March 7, 2000. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

9. Request to approve an eighteen-month renewal contract with the San Luis Obispo County Office of Education in an amount not to exceed \$246,411 to provide on-site support in addition to educationally related mental health services in the school district's special education classes. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

10. Request to appoint Jason Molinari as the Heritage Ranch Community Services District alternate member to the Water Resources Advisory Committee. All Districts.

The Board approves as recommended by the County Administrative Officer.

11. Submittal of a resolution vacating a portion of Whitby Street between Langton Street and Romney Drive by Summary Vacation, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated community of Cambria. District 2.

Mr. Mark Hutchinson – Department of Public Works: responds to Supervisor Arnold's questions regarding the financial considerations and design changes.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-1, adopted.

12. Submittal of a resolution acknowledging the acceptance of a portion of Dolphin Avenue for drainage purposes, Oceano. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-2, adopted.

13. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the FY 2014–15 Asphalt Overlay, Various Roads in Los Osos. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-3, adopted.

14. Submittal of an Initial Notification of Intent to the California Department of Water Resources (DWR) to explore a boundary modification for the Los Osos Groundwater Basin. District 2.

Ms. Linde Owen: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Sitting as Flood Control District:

15. Request to receive a grant from the California Department of Water Resources (DWR) through the County of Ventura to upgrade flood control management software; and authorize a budget adjustment in the amount of \$33,000 from Flood Control General, and the corresponding revenue from the grant of \$33,000. All Districts.

The Board approves as recommended by the County Administrative Officer.

16. Submittal of bid opening report for the County Service Area (CSA) 16, State Water Project Turnout, Shandon, to award the subject contract to Sansone Company, Inc., the lowest responsible bidder, in the amount of \$264,760; and authorize a budget adjustment in the amount of \$496,260 in the Flood Control and Water Conservation District and \$89,622 in CSA 16. District 1.

The Board approves as recommended by the County Administrative Officer.

Presentations

17. Submittal of resolution recognizing Dan Linhares for 30 years of County service. All Districts.

Mr. Wade Horton – Public Work Works Director: speaks.

Chairperson Compton: opens the floor to public comment without response.

RESOLUTION NO. 2016-4, a resolution commending Dan Linhares in recognition of thirty years of service with San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

18. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Mr. Eric Greening and Mr. David Broadwater: speak to an upcoming agenda item regarding a sewage sludge land application. Additionally, Mr. Broadwater comments on Northern California’s biosolids to energy technologies for processing sewage sludge without a land application.

Dr. C. Hite: comments on proposed projects impacting the community (video).

Ms. Andrea Seastrand and Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): request the Board devote more time to fully attend the San Luis Obispo Council of Governments and Air Pollution Control District meetings.

Ms. Laura Mordaunt: addresses causes of "de-development" and infrastructure needs in the community (water capture video).

Ms. Linde Owen: highlights a range of issues in the county that need to be addressed.

Mr. Ben DiFatta: discusses various concerns regarding: the Los Osos Wastewater Project and a Supervisor.

Mr. Richard Margetson: states that open transparency are needed for Los Osos Basin Management

Committee meetings. **No action taken.**

Hearing:

19. Introduction of an ordinance, adding Chapter 7.45 to Title 7 of the County Code banning the possession, distribution, and sale of synthetic drugs. Hearing date set for February 2, 2016. All Districts.

Chairperson Compton: opens the floor to public comment.

District Attorney Dan Dow: speaks.

The Board: 1) introduces an ordinance banning the possession, distribution, and sale of synthetic drugs; 2) directs the Clerk to set the item for public hearing and action on Tuesday, February 2, 2016; and 3) authorizes the Sheriff-Coroner to prepare a notice to be published by the Clerk in a newspaper of general circulation in the County no later than January 24, 2016, summarizing the proposed ordinance that will be considered on February 2, 2016, which can act as an alternative publication pursuant to Government Code Section 25124(b)(1).

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business

20. Receive and file: 1) FY 2014-15 annual report for the Public Facilities Fees Program, and 2) the five-year report for the Public Facilities Fees Program, and 3) consider a resolution adopting findings in accordance with Government Code Sections 66001 and 66006 with respect to the San Luis Obispo County Public Facilities Fees Program. All Districts.

Chairperson Compton: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB) (handout): speaks.

The Board: 1) receives and files the FY 2014-15 annual report for the Public Facilities Fees Program, 2) receives and files the five-year report for the Public Facilities Fees Program, and 3) **RESOLUTION NO. 2016-5, a resolution adopting findings in accordance with Government Code Sections 66001 and 66006 with respect to the San Luis Obispo County Public Facilities Fees Program, adopted.**

Motion by: Bruce S. Gibson
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

21. Request to consider the District Attorney’s request for payment of \$2,874.65 to the law firm Jones and Mayer for the District Attorney’s use of outside counsel. All Districts.

District Attorney Dan Dow: addresses his request to approve the expenditure which is within the approved budget appropriation; his reasons when and why he felt it was appropriate to seek an

independent opinion from outside counsel in consideration of the long standing practice that was being addressed; his reliance on the purchasing policy and two written Attorney General opinions; and how it wasn’t until after he sought the opinion that he was informed that initial Board approval was required. Further, requests the compensation be approved and if such instance occurs in future, he will work with the County Administrative Officer for Board approval.

A motion by Supervisor Debbie Arnold, to uphold the request by the District Attorney to pay for the professional services from his approved budget, dies for a lack of a second.

Chairperson Compton: opens the floor to public comment without response.

Supervisor Gibson: questions when the District Attorney obtained outside counsel and if he got Board approval, with Mr. Dow responding.

Ms. Rita Neal – County Counsel: cautions that what occurs in Closed Session is confidential unless the Board waives the confidentiality of what occurred in Closed Session.

On motion by Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, to waive the confidentiality of Closed Session on this matter, is discussed.

Supervisor Mecham: discloses his ex-parte communications regarding this issue.

Supervisors Arnold, Mecham, and Chairperson Compton: address the Attorney General’s opinions; question the criteria in which someone is authorized to seek outside counsel; and discuss the information contained in the various documents they received, with Mr. Dow and Ms. Neal responding.

Supervisor Arnold: states she is not supportive of opening a confidential discussion in open session.

The Board waives the confidentiality of Closed Session related to the compensation time off issue.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)		x		

Supervisor Gibson: addresses past discussions that occurred on this matter; the Board’s position and whether the Board approved the compensation, with Mr. Dow responding and Ms. Neal, stating a motion will need to be made to waive the attorney client privilege on the documentation she provided to the Board.

On motion by Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, to waive attorney client privilege on the information presented by County Counsel to the Board and District Attorney Dow, is discussed.

Ms. Ms. Neal: clarifies if the motion on the floor passes, the information she presented to the Board and Mr. Dow will be public information.

The Board waives the attorney client privilege on the information presented by County Counsel to the Board and the District Attorney.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)		x		

Board Members: discuss the April 7, 2015 Closed Session; the issue of compensation for Deputy District Attorneys; why an outside legal opinion was obtained; the records regarding the whistleblower complaint; and how the inherited practice should have been addressed during union negotiations.

Ms. Neal: questions if the last motion included her outline of Closed Sessions, with the motion maker and second concurring.

On motion by Supervisor Bruce S. Gibson, seconded by Frank R. Mecham, to deny the request by the District Attorney, is discussed.

Supervisor Arnold: states the practice has stopped; that today’s matter is whether to compensate Mr. Dow for doing what he thought was the most responsible and relied on a documented practice that had been going on for 30 years; and will not support the motion.

The Board denies the District Attorney’s request for the payment of \$2,874.65 to the law firm of Jones & Mayer for services rendered seeking clarification regarding exempt employee work schedules.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)		x		

Closed Session Items:

22. The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) ARB, Inc. v. County of San Luis Obispo; (4) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (5) San Luis Obispo Government Attorney’s Union (SLOGAU); (6) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel’s Association (DCCA); (8) Sheriffs’ Management; (9) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (10) Deputy Sheriff’s Association (DSA); (11) District Attorney Investigators’ Association (DAIA); (12) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

Chairperson Compton: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, January 05, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: January 14, 2016